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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of : A. Marsh et al.
For : **SPRING BRAKE MODULATING
RELAY VALVE**
Application No. : 10/646,349
Confirmation No. : 8361
Filed : August 22, 2003
Examiner : D. Kramer
Art Unit : 3683
Notice of Allowance : July 13, 2005
Attorney Docket No. : 28679/05675 (99-040 US CON)

PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR §1.313(c)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants hereby petition for the withdrawal of the above-referenced application from issue. The issue fee for this application was paid on August 31, 2005. However, neither an issue date nor a patent number has been assigned to this application.

The reason for the request for withdrawal from issue is consideration of a request for continued examination (RCE) under 37 CFR §1.114. In that regard, an information disclosure statement (IDS) is being submitted along with the RCE. The IDS cites a newly discovered reference to be considered by the Examiner.

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(BK1677.DOC;1)

Please charge Deposit Account No. 03-0172 for the petition fee of \$130.00, as set forth in 37 CFR §1.17(h). A duplicate of this paper is attached.

It is believed that no additional fees are due with this petition. However, if it is determined that any additional fees are due in this matter, please charge Deposit Account No. 03-0172.

If you have any questions, please do not hesitate to contact Applicants' attorney below.

Respectfully submitted,

Date: November 10, 2005

Brian E. Kondas
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